

**IDAHO BOARD OF MASSAGE THERAPY**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 1/19/2016**

**BOARD MEMBERS PRESENT:** Gayla Nickel - Chair  
Paul J Weston  
Gail L King  
Linda A Chatburn

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Mitchell Toryanski, Legal Counsel

**OTHERS PRESENT:** Senator Robert Nonini  
Sandy Malcolm  
Randy Young, Massage Envy  
Cecilia Escobedo, Massage Envy  
Michele Kopechny, Milan Institute

The meeting was called to order at 8:30 AM MST by Gayla Nickel.

**TUITION WORK OFF PROGRAMS**

Senator Nonini addressed the Board with regard to massage therapy schools that offer tuition work-off programs. Senator Nonini said he had been approached by a school in his area that used to offer such a program before the Massage Therapy Licensure law went into effect. Senator Nonini asked the Board to consider a law change that would allow schools to offer students the ability to pay back their tuition. The Board Chair said that per Idaho Code 54-4002(3) and 54-4005, the work-off program is prohibited. Senator Nonini expressed that he would be interested in continuing to learn more and would follow up with his constituent since she was not at the Board meeting. Ms. Nickel informed Senator Nonini that the State Board of Education and the Board are discussing changing regulation of massage therapy schools from the State Board of Education to the Idaho Board of Massage Therapy. No further action was taken. Senator Nonini thanked the Board for its time.

## **APPROVAL OF MINUTES**

Ms. Chatburn made a motion to approve the minutes of 10/19/2015, 11/2/2015 and 12/1/2015, with requested changes to be made to the minutes of 10/19/2015. It was seconded by Ms. King. Motion carried.

## **LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. The Board is part of an omnibus rule change with many other Boards that will put these Boards in line with the requirements in HB-117 which passed in the 2015 legislative session. The bill dealt with reinstatement and renewal of licenses (Idaho Code 67-2614). Mr. Toryanski will present the rule and Ms. Chatburn said she would attend. Ms. Cory also stated the State Board of Education bill, which would have removed proprietary schools from the authority of the State Board of Education, has been pulled. In order for the changes to be made, the Idaho Board of Massage Therapy would also need to draft legislation granting the Board the authority to regulate schools. This will be a continuing discussion for the 2017 Legislature.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$204,831.70 as of 12/31/2015.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **BOARD DETERMINATION**

Ms. Peel presented cases I-MAS-2016-, I-MAS-2016-3 and I-MAS-2016-4 for Board determination. Ms. King made a motion to close cases I-MAS-2016-, I-MAS-2016-3 and I-MAS-2016-4. It was seconded by Mr. Weston. Motion carried.

## **OLD BUSINESS**

## **TO DO LIST**

Temporary Permits- Ms. Chatburn reported to the Board that the criteria for temporary permits vary from state to state, but that most states are consistent with requiring proof of CPR training. She said the time frame for the permits vary from 60 days to 6 months. The Board will continue to research temporary permits for a possible law change in the future.

School Regulation/Licensure- Ms. King reported her findings on the regulation process some states currently follow. She said overseeing the attendance, grades and exam scores is part of the process in most states. The inspection process of schools was discussed. Ms. King stated that many states license school instructors as well. The Board will continue to work with the State Board of Education on a proposal for the 2017 Legislature.

Mr. Toryanski will work with the Board's sub-committee to draft potential law and rule changes for temporary permits and school regulation/licensure.

Ms. Nickel discussed proposed changes to the continuing education approval application that was presented at a previous meeting. After discussion, it was determined there would be no changes to the continuing education application. Ms. Anderson will inform the person who wrote about it of the Board's decision.

Frequently Asked Questions page- The FAQ page was reviewed by the Board. Ms. Hall suggested that the Board just make a few small adjustments to the information on the web. The Board agreed. Additional changes were discussed. A draft will be brought back to the Board at the next meeting.

## **CORRESPONDENCE**

Correspondence from Mr. Ron Connelly had been tabled from a previous meeting. The Board reviewed Mr. Connelly's letter. Mr. Connelly was inquiring with the Board why online courses for massage therapy licensure were not accepted. The Board referred to Rule 600 which states that *"Approved educational programs shall be those programs conducted by an entity that meet the definition in Section 010 and that consist of a minimum of five hundred (500) hours of in-class supervised hours of coursework and clinical work..."* After discussion, the Board instructed Ms. Anderson to respond back to Mr. Connelly, informing him that it is studying the issue of online training, but the Board currently has no plans to propose changes.

## **NEW BUSINESS**

At the 6/22/2015 meeting the Board determined that a number of Reflexology courses had been approved in error by the Board. The Board notified the CE Providers of the error. Ms. Nickel had agreed between meetings to accept a licensee's submitted CE, because the course was taken while it was listed on the Board's web page as approved CE. Ms. Nickel asked the Board to ratify her decision to accept the continuing education in reflexology for the licensee. Ms. Chatburn made a motion ratify Ms. Nickel's decision and accept the reflexology course as accepted CE. It was seconded by Ms. King. Motion carried. Ms. Chatburn also made a motion that the Board accepts continuing education courses from any licensee who had taken any of the denied reflexology courses

during the timeframe the courses were listed as approved on the website. It was seconded by Ms. King. Motion carried.

## **MEETING DATES**

The Board agreed to the following meeting dates:

3/7/2016	Face to Face
5/23/2016	Face to Face
7/18/2016	Face to Face

## **TO DO LIST**

Ms. Hall presented the changes to the “FAQ page” in response to the Board’s earlier discussion. Ms. King made a motion to accept the changes and post the information to the Board website. It was seconded by Ms. Chatburn. Motion carried.

## **EXECUTIVE SESSION**

Ms. Chatburn made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Weston. The vote was: Mr. Weston, aye; Ms. King, aye; Ms. Chatburn, aye; and Ms. Nickel, aye. Motion carried.

Mr. Weston made a motion to come out of executive session. It was seconded by Ms. Chatburn. The vote was: Mr. Weston, aye; Ms. King, aye; Ms. Chatburn, aye; and Ms. Nickel, aye. Motion carried.

## **APPLICATIONS**

Ms. King made a motion to approve the following for licensure pending receipt of additional information:

#901142838  
#901138399  
#901142738  
#901142945  
#901142546  
#901142515  
#901142374  
#901138478  
#901142879  
#901142947

#901142986  
#901142948  
#901142349

It was seconded by Ms. Chatburn. Motion carried.

Ms. King made a motion to approve the following applicant for licensure. The license will be issued on January 26, 2016, the applicants 18<sup>th</sup> birthday:

#901143056

It was seconded by Ms. Chatburn. Motion carried. Ms. Nickel recused herself from voting and discussion.

Ms. Chatburn made a motion to approve the following applicant for licensure pending receipt of additional information:

#901142302

It was seconded by Mr. Weston. Motion carried. Ms. King recused herself from voting and discussion.

Ms. Chatburn made a motion to approve the following for licensure:

MAS-2746	ANDREW MILLER
MAS-2704	ARIANNA PAULINO
MAS-2750	EMILY WILLIAMS
MAS-2755	AMY SCHROEDER
MAS-2749	BROOKEANNE GREGORY
MAS-2756	BRITTNEY BALL
MAS-2716	SANDRA MALCOLM
MAS-2764	KIA ACKERMAN
MAS-2748	STORIE HALL
MAS-2728	LEANNE GRIFFITHS
MAS-2758	KATHRYN YOUNGBERG
MAS-2745	KARINA MUFFLEY
MAS-2709	DANA JOHNSON
MAS-2751	KEN CARRILLO

It was seconded by Ms. King. Motion carried.

Ms. King made a motion to approve the following applicant for licensure pending receipt of additional information and Board Chair review:

#901142810

It was seconded by Ms. Chatburn. Motion carried.

## **CE COURSES**

Ms. King made a motion to approve the following continuing education course pending additional information and Chair review:

#11549

It was seconded by Mr. Weston. Motion carried.

Ms. King made a motion to approve the following continuing education courses:

Ethics: Balanced Professionalism  
Lubricants and Other Topical Applications, Part 1 and 2

It was seconded by Ms. Chatburn. Motion carried.

**NEXT MEETING** was scheduled for 3/7/2016 8:30 AM MST.

## **ADJOURNMENT**

Ms. Chatburn made a motion to adjourn the meeting at 2:45 PM MST. It was seconded by Ms. King. Motion carried.

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Gayla Nickel, Chair

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Paul J Weston

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Gail L King

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Linda A Chatburn

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Tana Cory, Bureau Chief